

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

TARENCE BANKS,

Plaintiff,

v.

Case No. 18-cv-1768

JOHN LOGIUDICE,

Defendant.

ORDER

Plaintiff Tarence Banks is representing himself in this 42 U.S.C. §1983 case. He is proceeding on allegations that defendant Dr. John LoGiudice provided objectively unreasonable medical care to him when he was a pretrial detainee. Discovery closes on March 22, 2021, and dispositive motions are due on April 22, 2021. A couple weeks before the close of discovery, on March 8, the defendant filed a motion to compel and to enlarge deadlines. (ECF No. 19.) The defendant explains that he first served written discovery on Banks on December 1, 2020 and followed up with written correspondence twice. Banks has not responded nor has he requested additional time to respond. The defendant asks the court to compel Banks to respond and to extend the discovery and dispositive motion deadlines by sixty days. The court will grant the defendant's motion.

About three months ago, on November 25, 2020, Banks updated his contact information. He also moved to stay the case, explaining that he had been released

from prison and restrictions due to the pandemic were making it difficult for him to litigate his case. (ECF No. 16.) The court denied his motion explaining that he did not need access to a law library to participate in discovery. (ECF No. 17.) The court also noted that, if, as the discovery deadline approached, Banks believed he needed more time, he could renew his motion, but he had to be specific about the challenges he was facing and explain why he was unable to overcome those challenges. Banks did not renew his request to extend the discovery deadline despite not responding to the defendant's requests.

Banks' silence and inaction suggests that he is no longer interested in prosecuting this case. Accordingly, the Court will require that, within fourteen days, he: 1) respond to the defendant's discovery requests and 2) file a written certification confirming to the Court that he responded to the requests. If Banks fails to do either, the court will dismiss this case based on his failure to prosecute. *See* Civil L.R. 41(c).

IT IS THEREFORE ORDERED that the defendant's motion to compel and to enlarge deadlines (ECF No. 19) is **GRANTED**.

IT IS FURTHER ORDERED that Banks must respond to the defendant's discovery requests and certify to the court that he did so within fourteen days of this order. If Banks fails to do either, the court will dismiss this case based on Banks' failure to diligently prosecute it.

IT IS FURTHER ORDERED that the discovery deadline is **EXTENDED** to May 21, 2021, and the dispositive motion deadline is **EXTENDED** to **June 21, 2021**.

Dated at Milwaukee, Wisconsin this 12th day of March, 2021.

BY THE COURT:

s/Nancy Joseph
NANCY JOSEPH
United States Magistrate Judge